

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RITA M. WYATT, et al.,

Plaintiffs,

v.

Civil Action No. 3:13-cv-00662-JRS

**EARLY WARNING SERVICES,
LLC, et al.,**

Defendants.

AMENDED CLASS ACTION SCHEDULING ORDER

Pursuant to Fed. R. Civ. P. 26(f), counsel for the parties have conferred to develop a proposed discovery plan. The parties have agreed upon the discovery plan set forth herein. This matter is pled as a Class Action. The parties will conduct discovery in two phases.

Phase I will include the claims of the individual Plaintiffs and all evidence reasonably necessary for the parties to litigate the issues of class certification and standing. No party shall have an obligation to create or serve any privilege log in Phase I of this action.

Phase I discovery shall be completed by September 30, 2014. The purpose of this extension is to allow the Parties to schedule and complete depositions in an orderly fashion and take discovery of non-parties. This extension shall not renew or extend any deadlines that have already expired, and the Parties shall not serve any further written discovery in Phase I upon one another.

The deadline for the parties to file motion for summary judgment following Phase I shall be October 30, 2014. The deadline for Plaintiffs to move for class certification following Phase I shall be October 30, 2014. Opposition and Reply briefs to such motions shall be filed within the time frames set forth herein.

Upon completion of Phase I and disposition of such motions, and to the extent that the case is not thereby dismissed, the Court shall set a supplemental Scheduling Conference. Phase II discovery shall thereafter take place to the extent necessary based upon the Court's rulings on the parties' motions for summary judgment and the Plaintiffs' motion for class certification. Issues reserved for Phase II include any other issues in the case, including any discovery regarding Plaintiffs' actual damages, whether Defendant violated the FCRA with respect to unnamed class members and any factual issues bearing on whether Defendant's alleged violations of the FCRA were "willful." From the Plaintiffs' perspective, these "willfulness" discovery issues include resources devoted to FCRA compliance efforts, audits undertaken to confirm compliance, and class-wide factual discovery, although Defendant may not necessarily agree with the relevance or discoverability of these issues.

The following deadlines shall apply to Phase I of this case:

Activity	Deadline
Deadline for Parties to serve Fed. R. Civ. P. 26(a)(1) disclosures with respect to the issues subject to discovery in Phase I	April 14, 2014
Deadline for filing Amended Pleadings	April 25, 2014
Deadline for Phase I expert disclosures by Plaintiffs.	June 23, 2014
Deadline for any Phase I expert disclosures by Defendants.	July 23, 2013
Deadline for rebuttal expert disclosures.	August 22, 2014
Close of Phase I discovery (subject to the limitations on further written discovery set forth above).	September 30, 2014
Deadline for parties to file motions for summary judgment based on Phase I discovery.	October 30, 2014
Deadline for Plaintiff to file a motion seeking class certification.	October 30, 2014

Parties shall have forty (40) days to respond to the Motion for Class Certification and any Motion for Summary Judgment, and shall have thirty (30) days to file any Reply.

The Settlement Conference currently scheduled for September 9 is hereby continued and shall be reset to a time after September 30, 2014.

The Court's existing discovery and Scheduling Orders shall continue to govern to the extent not inconsistent with this Supplemental Scheduling Order.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

/s/
James R. Spencer
Senior U. S. District Judge

ENTERED this 27th day of August 2014.